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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 07-00645 MMC
	)	
Plaintiff,	)	UNITED STATES' NOTICE OF AUTHORITY
	)	REGARDING MAXIMUM TERM OF
v.	)	SUPERVISED RELEASE UNDER 21 U.S.C.
	)	§ 841
RONALD WILLIAMS, et al.	)	
	)	
Defendants.	)	
	)	

During the recent change of plea colloquies of defendants Caesar Ramirez-Chavira and Erika Manzo, a question arose regarding the maximum term of supervised release that can be imposed when a defendant is convicted of a drug trafficking offense under 21 U.S.C. § 841(a)(1). Because the United States anticipates that this issue will be presented in the future as additional guilty pleas are entered by the defendants in this case, the United States brings to the Court's attention the following authority in support of its position that the maximum term of supervised release for a defendant convicted under 21 U.S.C. § 841(a)(1) and (b)(1)(C), (b)(1)(B), or (b)(1)(A) is life.

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1 In *United States v. Ross*, the Ninth Circuit held that the length of the term of supervised  
2 release imposed by the district court was not unlawful because “Ross’s five-year term falls well  
3 below 21 U.S.C. § 841(b)(1)(C)’s statutorily prescribed maximum (life).” 338 F.3d 1054, 1057  
4 (9<sup>th</sup> Cir. 2003).

5 In *United States v. Garcia*, the Ninth Circuit adopted “as the law of this Circuit,” the  
6 Second Circuit’s holding in *United States v. Eng*, 14 F.3d 165 (2d Cir. 1994), that the statutory  
7 provisions for supervised released set forth in 21 U.S.C. § 841 “override the maximums set by 18  
8 U.S.C § 3853(b).” 112 F.3d 395, 398 (9<sup>th</sup> Cir. 1997).

9 In *United States v. Eng*, the Second Circuit upheld the district court’s imposition of a life  
10 term of supervised release for a defendant convicted of violating 21 U.S.C. §§ 841(a)(1) and  
11 (b)(1)(A). 14 F.3d 165, 713 (2d Cir. 1994).

12 In *United States v. Shorty*, the Seventh Circuit held that the maximum term of supervised  
13 release under 21 U.S.C. § 841(b)(1)(C) is life, and noted that “[a] majority of circuits have held  
14 that the ‘at least 3 years’ language establishes a minimum, not a maximum amount of time, even  
15 when read in light of 18 U.S.C. § 3583(b), which, for Class C and D felonies authorizes a  
16 maximum of three years for supervised release, because the latter provision is modified by the  
17 phrase ‘except as otherwise provided.’” 159 F.3d 312, 315 & n.6 (7<sup>th</sup> Cir. 1998) (citing its  
18 agreement with cases from the Second, Sixth, Eighth, Ninth, and Tenth Circuits, but noting  
19 disagreement by the Fourth and Fifth Circuits).

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22 DATED: July 25, 2008

Respectfully submitted,

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25 /s

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